

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re the Reissue Application of:
THOMAS J. SHAW**

For Reissue of U.S. Patent 5,810,775
Issued September 22, 1998
Serial No. 08/862,849

Filing Date: September 19, 2000

Serial No.: 09/665,634

For CAP OPERATED RETRACTABLE MEDICAL DEVICE

Group Art Unit: 3763

Examiner: Rodriguez

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service as First Class Mail, with postage prepaid, on the date set forth below in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Via First Class Mail

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Kristen R. Paris, Registration No. 52,092

Attorney for Applicant

7/15/05
Date of Signature

Date of Mailing

Date of Signature

Dear Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

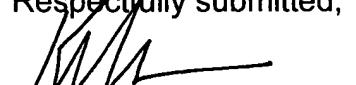
Applicant, contemporaneously with the filing of this communication, submits the Issue Fee of \$700.00.

In the Notice of Allowability mailed April 18, 2005 in the above-identified application, the Examiner states as one of her reasons for allowance that the prior art does not teach or render obvious "a medical device having a pivotably connected cap

associated with a hollow body and a hollow movable member which is operated by the action of closing the cap to release a needle." Applicant objects to inclusion of these elements in the reasons for allowance because not all the allowed claims recite such elements and cannot properly be construed to contain such elements.

The Commissioner is hereby authorized to charge any fee due to Locke Liddell & Sapp LLP Deposit Account No. 12-1781.

Respectfully submitted,



Kristen R. Paris
Registration No. 52,092

Date: July 5, 2005
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